

GIS REGISTRY INFORMATION

SITE NAME:	Southmark Mgt Inc-Former Q Mart			FID #	
BRRTS #:	03-36-000090			(if appropriate):	
COMMERCE # (if appropriate):	54220-2253-28				
CLOSURE DATE:	5/27/04				
STREET ADDRESS:	828 Memorial Dr				
CITY:	Manitowoc				
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X =	708911	Y =	407276	
CONTAMINATED MEDIA:	Groundwater		Soil		Both x
OFF-SOURCE GW CONTAMINATION >ES:	Yes		No		x
• IF YES, STREET ADDRESS:					
• GPS COORDINATES (meters in WTM91 projection):	X =		Y =		
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	Yes		No		x
• IF YES, STREET ADDRESS 1:					
• GPS COORDINATES (meters in WTM91 projection):	X =		Y =		
CONTAMINATION IN RIGHT OF WAY:	Yes	x	No		
<u>DOCUMENTS NEEDED</u>					
Closure Letter, and any conditional closure letter issued					x
Copy of most recent deed, including legal description, for all affected properties					x
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties					x
County Parcel ID number, if used for county, for all affected properties					x
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.					x
Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.					x
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)					x
Tables of Latest Soil Analytical Results (no shading or cross-hatching)					x
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.					x
GW: Table of water level elevations, with sampling dates, and free product noted if present					x
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)					x
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour					x
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)					na
RP certified statement that legal descriptions are complete and accurate					x
Copies of off-source notification letters (if applicable)					na
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)					x
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure					na



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
Jim Doyle, Governor
Cory L. Nettles, Secretary

May 27, 2004

Mr. Chris Clinton
Tarragon Realty Investors, Inc.
3100 Monticello Avenue, Suite 200
Dallas, TX 75205

RE: **Final Closure**

Commerce # 54220-2253-28 **WDNR BRRTS # 03-36-000090**
Former Q Mart, 828 Memorial Drive, Manitowoc

Dear Mr. Clinton:

The Wisconsin Department of Commerce (Commerce) has received the items required as the condition for closure for the site referenced above. This case is now listed as "closed" on the Commerce database and will be included on the Wisconsin Department of Natural Resources (WDNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual soil and groundwater contamination. It is in your best interest to keep all documentation related to the environmental activities that were conducted.

If residual contamination is encountered in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0046.

Sincerely,

Robert H. Klauk
Hydrogeologist
Site Review Section

cc: Scott A. Hodgson - Miller Engineers & Scientists
Case File



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
<http://www.commerce.state.wi.us>
<http://www.wisconsin.gov>
Jim Doyle, Governor
Cory L. Nettles, Secretary

February 25, 2004

Mr. Chris Clinton
Tarragon Realty Investors, Inc.
3100 Monticello Avenue, Suite 200
Dallas, TX 75205

RE: **Conditional Case Closure**

Commerce # 54220-2253-28 **WDNR BRRTS # 03-36-000090**
Former Q Mart, 828 Memorial Drive, Manitowoc

Dear Mr. Clinton:

The Wisconsin Department of Commerce (Commerce) has reviewed the request for case closure prepared by Miller Engineers & Scientists for the site referenced above. It is understood that residual soil and groundwater contamination remain on-site. Commerce has determined that this site does not pose a significant threat to the environment and human health. No further investigation or remedial action is necessary.

The following condition must be satisfied to obtain final closure:

- Documentation of the abandonment (WDNR Abandonment Form 3300-5B) of monitoring wells MW-1 through MW-9 and recovery wells RW-1 and RW-2.

This letter serves as your written notice of "no further action." Timely filing of your final PECFA claim (if applicable) is encouraged. If your claim is not received within 120 days of the date of this letter, interest costs incurred after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0046.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert H. Klauk'.

Robert H. Klauk
Hydrogeologist
Site Review Section

cc: Scott A. Hodgson - Miller Engineers & Scientists
Case File

ITEM B1 DEED LEGAL DESCRIPTION

TO HAVE AND TO HOLD, all and singular the premises above mentioned and described, and hereby conveyed, or intended to be, unto the said part y of the second part, its

heirs and assigns, to _____ only proper use, benefit and behoof, FOREVER.

IN WITNESS WHEREOF, The said Thomas H. Kocourek, Sheriff as
aforesaid, hath hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Colleen Brunner
Colleen Brunner
Diana Kranz
Diana Kranz

Thomas Kocourek (SEAL)
Thomas Kocourek
Sheriff Manitowish County, Wis.

STATE OF WISCONSIN,

Manitowish COUNTY, } ss. On the 14th day of January
1982, before me came the above named THOMAS H. KOCOUREK
Sheriff of MANITOWISH County, to me known to be the person and officer who executed the foregoing
instrument, and acknowledged that he executed the same as such Sheriff for the uses and purposes therein set forth:

Kathleen H. Laist
KATHLEEN H. LAIST
Notary Public Manitowish County, Wisconsin
My Commission expires May 13, 1982

This instrument drafted by:

Charles A. Grube
Plaintiff's Attorney
Member, State Bar of Wisconsin

ITEM B1 DEED LEGAL DESCRIPTION

628772

State of Wisconsin,

Sheriff Manitowoc County,
TO

Consolidated Capital
Income Trust

Deed on Foreclosure

REGISTER'S OFFICE,
STATE OF WISCONSIN,

County.

Received for Record this _____ day of

_____ A. D., 19____,

at _____ o'clock _____ M., and recorded in

Vol. _____ of Deeds, on page _____

Register of Deeds.

Deputy.

Joyce Swanson
828 Main Dr. (mail) Mt. Wisc.

ITEM B1 DEED LEGAL DESCRIPTION

AND WHEREAS, neither said premises, nor any part thereof, had been redeemed, and neither said judgment, nor any part thereof had been paid, ~~and none of the said premises had been redeemed, and neither said judgment, nor any part thereof had been paid,~~

AND WHEREAS, the said Sheriff, in pursuance of the said judgment of the said Court, did on the 30th day of December, 19 86, sell at public auction, in the Manitowoc County Courthouse

at the hour of 9:30 o'clock A. M. of that day, the premises in the said judgment mentioned, due notice of the time and place of such sale being first given, agreeably to the said judgment, at which sale the premises hereinafter described were struck off to the said party Y of the second part for the sum of \$2,800,000, the said party of the second part

being the highest and best bidder therefor, and that being the highest sum bid for the same.

NOW, THEREFORE, know ye, that I, the said Thomas H. Kocourek, Sheriff aforesaid, by virtue of the said judgment, and of the statute in such case made and provided, and in consideration of the said sum of money, so bidden as aforesaid, being first duly paid by the said party Y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened and conveyed, and by these presents do grant, bargain, sell, alien and convey unto the said Consolidated Capital Income Trust, a California business trust,

and to its heirs and assigns forever, all the following described real estate:

A parcel of land lying the Northwest Quarter (NW 1/4) of the Southwest Quarter, Section Numbered Sixteen (16), Township Numbered Nineteen (19) North, Range Numbered Twenty-four (24) East, being part of Lots Numbered Sixteen (16), Seventeen (17) and Thirty-one (31) of Oehler and Guenther's Subdivision in the City of Manitowoc, described as follows:

Commencing at a point which is 40 feet east and 40 feet south of the West 1/4 corner of Section 16, T. 19 N., R. 24 E., being the Southeast corner of Johnston Drive and East Magnolia Avenue, being the point of real beginning; thence S. 89° 58' 25" E., along the south right-of-way line of East Magnolia Avenue 184.90 feet; thence along the arc of a 778.52 foot radius curve to the right (chord bearing S. 67° 35' 55" E., long chord 592.71 feet) 608.05 feet; thence S. 45° 13' 25" E., 206.67 feet; thence along the arc of a 1739.73 foot radius curve to the left (chord bearing S. 50° 55' 10" E., long chord 345.33 feet) 345.90 feet (recorded as 1486.06 foot radius curve to the left, chord bearing S. 50° 55' 10" E., long chord 294.98 feet, 295.46 feet), thence S. 56° 36' 55" E. 42.62 feet (recorded as S. 56° 36' 55" E. 104.30 feet) to the westerly right-of-way line of Memorial Drive & State Highway 42; thence S. 33° 23' 05" W. along said right-of-way line Memorial Drive 148.00 feet; thence S. 25° 58' 40" W. 100.84 feet (recorded as S. 24° 52' 05" W. 101.30 feet), thence S. 33° 23' 05" W. 244.84 feet (recorded as S. 33° 23' 05" W. 241.10 feet), thence along the arc of a 173.72 foot radius curve to the right (chord bearing S. 61° 35' 35" W., long chord 164.23 feet) 171.05 feet (recorded as a 178.08 foot radius curve to the right, chord bearing S. 61° 35' 35" W., long chord 168.35 feet, 175.35 feet) to the North right-of-way line of Reed Avenue; then along said right-of-way line S. 89° 48' 05" W. 776.00 feet more or less to the East right-of-way line of Johnston Drive; thence along said right-of-way line N. 00° 07' 25" W. 1112.12 feet more or less to the point of real beginning.

In Manitowoc County, Wisconsin.

583

ITEM B1 DEED LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel of land lying in the North $\frac{1}{4}$ of the Southwest Quarter (SW $\frac{1}{4}$) of Section Sixteen (16), Township Nineteen (19) North, Range Twenty-four (24) East, being part of Lots Sixteen (16), Seventeen (17), Eighteen (18), and Thirty-one (31) of Oehler and Guenther's Subdivision in the City and County of Manitowoc, State of Wisconsin, more particularly described as follows:

Commencing at a point which is Forty (40) feet East and Forty (40) feet South of the West Quarter Corner of Section Sixteen (16), Township Nineteen (19) North, Range Twenty-four (24) East, being the Southeast corner of Johnston Drive and East Magnolia Avenue, thence South $89^{\circ}58'25''$ East, a distance of One Hundred and Eighty-four and nine-tenths (184.9) feet, thence Southeasterly along a $7^{\circ}22'00''$ curve to the right, a distance of Six Hundred Eight and Four-tenths (608.4) feet, thence South $45^{\circ}13'25''$ East, a distance of Two Hundred Six and Sixty-seven Hundredths (206.67) feet, thence on a $3^{\circ}53'29''$ curve to the left, a distance of Two Hundred Ninety-five and Fifty-five Hundredths (295.55) feet, thence South $56^{\circ}36'55''$ East, to the Westerly line of Memorial Drive as relocated thence Southwesterly along said Westerly line of Memorial Drive, to the North Line of East Reed Avenue as relocated, thence South $89^{\circ}48'05''$ West, along the North line of East Reed Avenue, to its intersection with the East line of Johnston Drive as relocated, thence North $0^{\circ}07'25''$ West along the East line of Johnston Drive, a distance of Eleven Hundred Twelve and Twelve Hundredths (1,112.12) feet, to the point of commencement, in the City of Manitowoc, County of Manitowoc, State of Wisconsin.

ARTICLES OF MERGER
OF
NATIONAL INCOME REALTY CORPORATION
a California Corporation

INTO

TARRAGON REALTY INVESTORS, INC.
a Nevada Corporation

Tarragon Realty Investors, Inc., a Nevada corporation ("TRII Nevada") is the surviving entity in accordance with the requirements of Section 92A.200 of the Nevada Revised Statutes, hereby certifies as follows:

1. The name of the surviving entity is Tarragon Realty Investors, Inc. and the place of its organization is the jurisdiction of Nevada. The name and place of organization of the entity being merged into the surviving entity is National Income Realty Corporation (the successor-in-interest to National Income Realty Trust), organized in the jurisdiction of California, the laws of which permit this merger.

2. An Agreement and Plan of Merger (the "Plan") between TRII Nevada and National Income Realty Corporation ("National Income California") has been approved and adopted by each entity that is a party to this merger.

3. The Plan was submitted to the shareholders of National Income California by its Board of Directors pursuant to the requirements of Chapter 92 of the Nevada Revised Statutes. The Plan was submitted to the stockholders of TRII Nevada by its Board of Directors pursuant to Chapter 92 of the Nevada Revised Statutes.

4. The designation, percentage of total vote or number of votes entitled to be cast and the total number of undisputed votes or undisputed total percentage of owners' interest cast for and against the Plan by the holders of Common Stock of National Income California entitled to vote on the Plan is as follows:

Total Number of Undisputed Votes Entitled to be Cast	Undisputed Votes or Total Percentage of Owner Interest Case For	Total Votes or Percentage of Owner Interest Cast Against
3,737,171	2,245,673 (60.1%)	64,210 (1.7%)

and 78,920 shares (2.1%) abstained from voting.

5. The designation, percentage of total vote or number of votes entitles to be cast and the total number of undisputed votes or undisputed total percentage of owners' interest cast for the Plan by the holders of Common Stock of TRII Nevada entitled to vote on the Plan is as follows:

Total Number of Undisputed Votes Entitled to be Cast	Undisputed Votes or Total Percentage of Owner Interest Case For	Total Votes or Percentage of Owner Interest Cast Against
1,272,180	714,508 (56.2%)	11,084 (0.9%)

and 39,458 shares (3.1%) abstained from voting.

6. The number of votes or percentage of owners' interest cast for the Plan by the owners of each class of interest of National Income California was sufficient for approval by the owners of that class. The number of votes or percentage of owners' interest cast for the Plan by the owners of each class of interest of TRII Nevada was sufficient for approval by the owners of that class.

7. The Articles of Incorporation of TRII Nevada shall be the articles of incorporation of the surviving corporation.

8. The effective date of the merger shall be the date when the Secretary of State of the State of Nevada shall have issued a Certificate of Merger or other similar document relating to such merger.

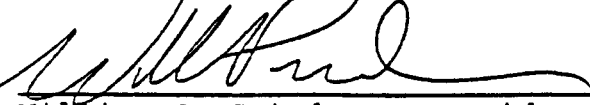
9. All entities party to this Merger have complied with the laws of their respective jurisdiction of organization concerning this Merger.

10. The complete and executed Agreement and Plan of Merger is on file at the principal place of business of TRII Nevada, the address of which is 3100 Monticello, Suite 200, Dallas, Texas 75205.

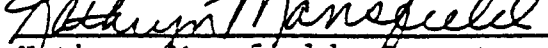
11. A copy of the Plan will be furnished by TRII Nevada on request and without cost to any stockholder of any corporation that is a party to the merger.

DATED as of November 5th, 1998.

TARRAGON REALTY INVESTORS, INC.

By: 
William S. Friedman, President

TARRAGON REALTY INVESTORS, INC.

By: 
Kathryn Mansfield, Secretary

STATE OF NEW YORK §
§
COUNTY OF NEW YORK §

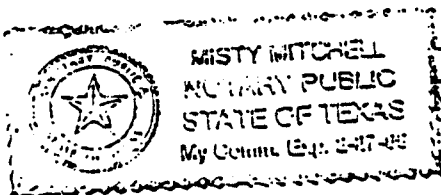
This instrument was acknowledged before me on the 5th day of November ___, 1998 by William S. Friedman, President of Tarragon Realty Investors, Inc.

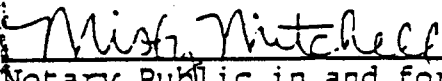
ALYSSA J. BASSETT
Notary Public, State of New York
No. 4980837
Qualified in New York County
Commission Expires April 22, 1999


Notary Public in and for said County and State

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 6th day of November ___, 1998 by Kathryn Mansfield, Secretary of Tarragon Realty Investors, Inc.




Notary Public in and for said County and State

ARTICLES OF INCORPORATION

OF

NATIONAL INCOME REALTY CORPORATION

The undersigned natural persons of full age, as incorporators and as the appropriate officers pursuant to Section 200.5(c) of the General Corporation Law of the State of California, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the Corporations Code of the State of California, do hereby adopt the following Articles of Incorporation.

ARTICLE I

National Income Realty Trust, an existing unincorporated association, is being incorporated by the filing of these Articles of Incorporation pursuant to Section 200.5 of the California General Corporation Law.

ARTICLE II

The name of this corporation is NATIONAL INCOME REALTY CORPORATION.

ARTICLE III

The existence of this corporation shall be perpetual.

ARTICLE IV

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE V

The name of this corporation's initial agent for service of process in the State of California is CT Corporation System, a Delaware corporation.

ARTICLE VI

(a) The total number of shares of all classes which the corporation shall have authority to issue is 30,000,000 shares, of which 20,000,000 shares, par value \$0.01 per share, shall be of a class designated "Common Stock" and 10,000,000 shares, par value \$0.01 per share, shall be of a class designated "Special Stock."

(b) The Special Stock may be divided into such number of series as the Board of Directors may determine. The Board of Directors is authorized to determine and alter the rights, preferences, privileges, and restrictions granted to and imposed upon any wholly unissued series of Special Stock, and to fix the number of shares of any series of Special Stock and the designation of any such series of Special Stock. The Board of Directors, within the limits and restrictions stated in any resolution or resolutions of the Board of directors originally fixing the number of shares constituting any series, may increase or decrease (but not below the number of shares of such series then outstanding) the number of shares of any series subsequent to the issue of shares of that series.

(c) Except as otherwise specifically required by law or as specifically provided in any resolution of the Board of Directors providing for the issuance of any particular series of Special Stock, the exclusive voting power of the corporation shall be vested in the Common Stock of the corporation. Except as otherwise provided in these Articles of Incorporation, each share of Common Stock shall entitle the holder thereof to one vote at all meetings of the shareholders of the corporation.

ARTICLE VII

(a) The business and affairs of the corporation shall be managed and all corporate powers shall be exercised by or under the direction of the Board of Directors. Pursuant to § 200.5(d) of the California General Corporation Law, the incumbent trustees of National Income Realty Trust shall constitute the initial directors of the Corporation.

(b) Whenever the holders of any one or more series of Special Stock issued by the Corporation shall have the right, voting separately or by class or series, to elect directors at an annual or special meeting of shareholders, the election, term of office, filling of vacancies and other features of such directorships shall be governed by the terms of these Articles of Incorporation or the resolution or resolutions adopted by the Board of Directors pursuant to Article VI applicable thereto.

ARTICLE VIII

(a) The liability of directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

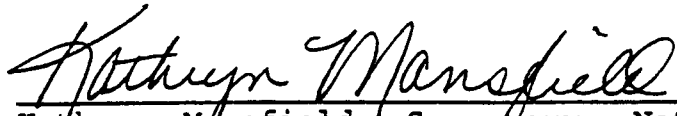
(b) The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the California Corporations Code) through Bylaw provisions, agreements with agents, vote of shareholders or disinterested directors or, otherwise, to the fullest extent permissible under California law.

(c) Any amendment, repeal or modification of any provision of this Article VIII shall not adversely affect any right or protection of an agent of this corporation existing at the time of such amendment, repeal or modification.

IN WITNESS WHEREOF, the undersigned have executed these Articles of Incorporation this 5th day of November, 1998 in accordance with the provisions of Section 200.5(c) of the California General Corporation Law.



William S. Friedman, President,
National Income Realty Trust
and Incorporator of National
Income Realty Corporation

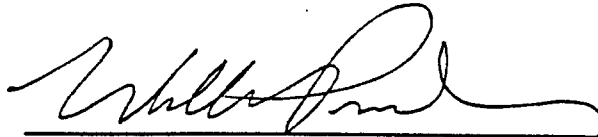


Kathryn Mansfield, Secretary, National
Income Realty Trust and Incorporator of
National Income Realty Corporation


DECLARATION

Under penalty of perjury, the undersigned officers of National Income Realty Trust (the "Trust") hereby verify that the incorporation of the Trust has been approved by the trustees of the Trust and has been approved by the affirmative vote of a majority of the outstanding voting shares of beneficial interest of the Trust, in accordance with the provisions of Section 200.5(a) of the California General Corporation Law.

IN WITNESS WHEREOF, the undersigned have executed this Declaration as of November 5, 1998.



William S. Friedman, President, National
Income Realty Trust and Incorporator of
National Income Realty Corporation



Kathryn Mansfield, Secretary, National
Income Realty Trust and Incorporator of
National Income Realty Corporation

National Income Realty Trust and Tarragon Realty Investors
Announce Agreement to Merge

NEW YORK--Feb. 19, 1998--National Income Realty Trust (NASDAQ:NIRTS) ("National Income") and Tarragon Realty Investors, Inc. (NASDAQ:VIPT) ("Tarragon Investors") today announced that their respective boards have agreed upon a stock-for-stock merger.

Simultaneously, the surviving entity, Tarragon Investors, will acquire privately held Tarragon Realty Advisors, Inc., which is currently the Advisor and Property manager for both Tarragon Investors and National Income, for up to 100,000 shares of Tarragon Investors common stock with a value not to exceed \$1,000,000 and options to acquire additional shares at between \$13 and \$16 per share.

The merger between National Income and Tarragon Investors will be a stock-for-stock transaction under which each shareholder of National Income will receive 1.97 shares of Tarragon Investors. Based on yesterday's closing price, the total transaction has a value of approximately \$78,000,000.

Following completion of the merger, Tarragon Investors should have approximately 9,200,000 shares outstanding.

For the last several years, both Tarragon Investors and National Income have shared the same Advisor and have developed similar opportunistic approaches to their real estate investments. Together, the combined company will control over 12,000 multi-family apartment units and 1,700,000 square feet of retail and office space, primarily in California, Florida and Texas. The combined company intends to continue as a major renovator and developer of both affordable and luxury apartment communities in Florida and Texas, with over 2000 luxury units now in development and over 700 under rehab.

Tarragon Realty Investors, Inc. will emerge from this transaction as an integrated, self-administered, self-managed, full service real estate company with over 300 employees and with demonstrated expertise in the renovation, development, management and financing of commercial and residential real estate.

Michael E. Smith, a Director of Tarragon Realty Investors, Inc. and Carl B. Weisbrod, Chairman of the Board of National Income Realty Trust jointly announced, "We are eager to see these agreements reduced to writing quickly, so we can put them before our shareholders in the first half of 1998. We are confident that shareholders of both companies will approve the transaction because the combination of these three companies is so clearly greater than the parts. The merger will bring economic and decision-making efficiencies, greater opportunities for profitable investments, and even stronger growth than the companies have separately enjoyed over the past 5 years."

#

CONTACT: DeMonte Associates
Cynthia DeMonte, 212/473-3700

SECRETARY: GOTTLIEB
ONE STATE STREET PL2
NEW YORK, N.Y. 10004

89188235

TRUSTEES' CERTIFICATE

The undersigned, being a majority of the members of the Board of Trustees of Consolidated Capital Income Trust (the "Trust"), hereby certify that, pursuant to the authorization granted in Section 1.1 of the Trust's Amended and Restated Declaration of Trust ("Declaration"), the Board of Trustees of the Trust, at a meeting held on April 13, 1989, approved Amendment No. 1 to the Declaration, a copy of which amendment is attached hereto as Exhibit A.


IN WITNESS WHEREOF, the undersigned have executed this Certificate this 22nd day of June, 1989.

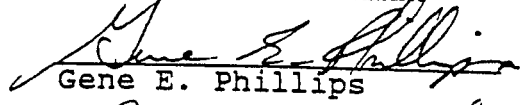
89-188235


RECORDED IN OFFICIAL RECORDS
OF ALAMEDA COUNTY, CALIF.
RENE C. DAVIDSON, CO. RECORDER

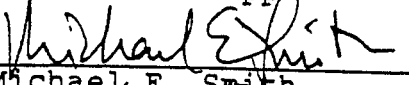
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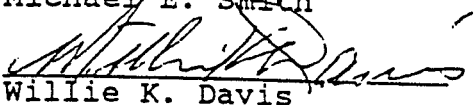
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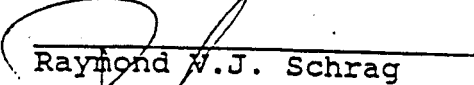

William S. Friedman



Gene E. Phillips

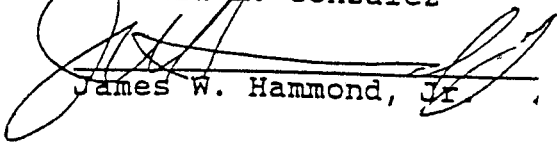

Richard N. Lapp


Michael E. Smith


Willie K. Davis


Raymond W.J. Schrag


Randall E. Gonzalez


James W. Hammond, Jr.

89188235

On this 22nd day of June, 1989 before me, Rhonda Grimshaw, a Notary Public, for the State of Texas duly commissioned and sworn, personally appeared William S. Friedman, Gene E. Phillips, Richard N. Lapp, Michael E. Smith, Willie K. Davis, Randall K. Gonzalez and James W. Hammond, Jr., known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set by hand and affixed my official seal in the County of Dallas, State of Texas, the day and year in this certificate first above written.

Rhonda Grimshaw
Notary Public, State of Texas

(Seal)

5/12/92

Exhibit A

Amendment No. 1 to the
Amended and Restated Declaration
of Trust of Consolidated Capital
Income Trust

The Amended and Restated Declaration of Trust for Consolidated Capital Income Trust is hereby amended as follows:

(a) Section 1.1 shall be deleted and replaced with the following:

1.1 Name. The name of the Trust shall be "National Income Realty Trust." As far as practicable and except as otherwise provided in this Declaration, the Trustees shall conduct the Trust's activities, execute all documents, and sue or be sued in the name of National Income Realty Trust, or in their names as Trustees of National Income Realty Trust. If the Trustees determine that the use of such name is not practicable, legal or convenient, they may use such other designation or may adopt another name under which the Trust may hold property or conduct its activities.

(b) The phrase "Consolidated Capital Income Trust", wherever it appears on the Amended and Restated Declaration of Trust of Consolidated Capital Income Trust, shall be deleted and replaced with the phrase "National Income Realty Trust."

LEGAL DESCRIPTION

A parcel of land lying in the North $\frac{1}{4}$ of the Southwest Quarter (SW $\frac{1}{4}$) of Section Sixteen (16), Township Nineteen (19) North, Range Twenty-four (24) East, being part of Lots Sixteen (16), Seventeen (17), Eighteen (18), and Thirty-one (31) of Oehler and Guenther's Subdivision in the City and County of Manitowoc, State of Wisconsin, more particularly described as follows:

Commencing at a point which is Forty (40) feet East and Forty (40) feet South of the West Quarter Corner of Section Sixteen (16), Township Nineteen (19) North, Range Twenty-four (24) East, being the Southeast corner of Johnston Drive and East Magnolia Avenue, thence South $89^{\circ}58'25''$ East, a distance of One Hundred and Eighty-four and nine-tenths (184.9) feet, thence Southeasterly along a $7^{\circ}22'00''$ curve to the right, a distance of Six Hundred Eight and Four-tenths (608.4) feet, thence South $45^{\circ}13'25''$ East, a distance of Two Hundred Six and Sixty-seven Hundredths (206.67) feet, thence on a $3^{\circ}53'29''$ curve to the left, a distance of Two Hundred Ninety-five and Fifty-five Hundredths (295.55) feet, thence South $56^{\circ}36'55''$ East, to the Westerly line of Memorial Drive as relocated thence Southwesterly along said Westerly line of Memorial Drive, to the North Line of East Reed Avenue as relocated, thence South $89^{\circ}48'05''$ West, along the North line of East Reed Avenue, to its intersection with the East line of Johnston Drive as relocated, thence North $0^{\circ}07'25''$ West along the East line of Johnston Drive, a distance of Eleven Hundred Twelve and Twelve Hundredths (1,112.12) feet, to the point of commencement, in the City of Manitowoc, County of Manitowoc, State of Wisconsin.

7-27-81

DATED

Gene F. Hagan

GENE F. HAGAN RLS # 1478

REVISED PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN THE NW1/4, SW1/4 OF SECTION 16, T.4N., R.24E., BEING PART OF LOTS 16, 17 & 31 OF DEHLER & GUENTHER'S SUBDIVISION, CITY OF MANITOWOC, WI. & DESCRIBED AS FOLLOWS:
 COMMENCING AT A POINT WHICH IS FORTY (40) FEET EAST & FORTY (40) FEET SOUTH OF THE WEST 1/4 CORNER OF SECTION 16, T.4N., R.24E., BEING THE SOUTHEAST CORNER OF JOHNSTON DRIVE & EAST MAGNOLIA AVENUE BEING THE POINT OF REAL BEGINNING, THENCE S. 89°58'25"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST MAGNOLIA AVENUE 124.98 FEET, THENCE ALONG THE ARC OF A 778.52 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING S. 67°35'55"E, LONG CHORD 592.71 FEET) 608.05 FEET; THENCE S. 45°13'25"E, 206.67 FEET, THENCE ALONG THE ARC OF A 1739.78 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARING S. 50°55'10"E, LONG CHORD 345.33 FEET) 345.30 FEET, (RECORDED AS 1486.06 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARING S. 50°55'10"E, LONG CHORD 294.98 FEET) 295.46 FEET), THENCE S. 56°36'55"E, 42.62 FEET (RECORDED AS S. 56°36'55"E, 104.30 FEET) TO THE WESTERLY RIGHT-OF-WAY LINE OF MEMORIAL DRIVE & STATE HIGHWAY 42, THENCE S. 33°23'05"W, ALONG SAID RIGHT-OF-WAY LINE MEMORIAL DRIVE 148.00 FEET, THENCE S. 25°58'40"W, 100.84 FEET (RECORDED AS S. 24°52'05"W, 101.30 FEET), THENCE S. 33°23'05"W, 244.84 FEET (RECORDED AS S. 33°23'05"W, 241.10 FEET), THENCE ALONG THE ARC OF A 173.72 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING S. 61°35'35"W, LONG CHORD 164.23 FEET) 171.05 FEET (RECORDED AS A 178.08 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING S. 61°35'35"W, LONG CHORD 168.59 FEET) 175.55 FEET), TO THE NORTH RIGHT-OF-WAY LINE OF REED AVENUE, THENCE ALONG SAID RIGHT-OF-WAY LINE S. 89°48'05"W, 776.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF JOHNSTON DRIVE, THENCE ALONG SAID RIGHT-OF-WAY LINE N. 00°07'25"W, 1,112.12 FEET MORE OR LESS TO THE POINT OF REAL BEGINNING.

SAID PARCEL CONTAINS 23.13 ACRES OF LAND MORE OR LESS.
 RESURVEY BY PAUL M. STEINBRECHER RLS #1608
 OCTOBER 5, 1982

NOTES

UTILITIES ARE IN APPROXIMATE LOCATION,
 TO BE VERIFIED IN THE FIELD

N. WEST R/W

I = 56°25'
 R = 173.72'
 D = 32°58'54"
 L = 171.05'
 LC = 164.23'

TAN. BEARING S. 33°23'05"W.

CHD. BEARING S. 61°35'35"W.

CITY OF MANITOWOC PLANNING DEPARTMENT

DATE _____

LEGEND

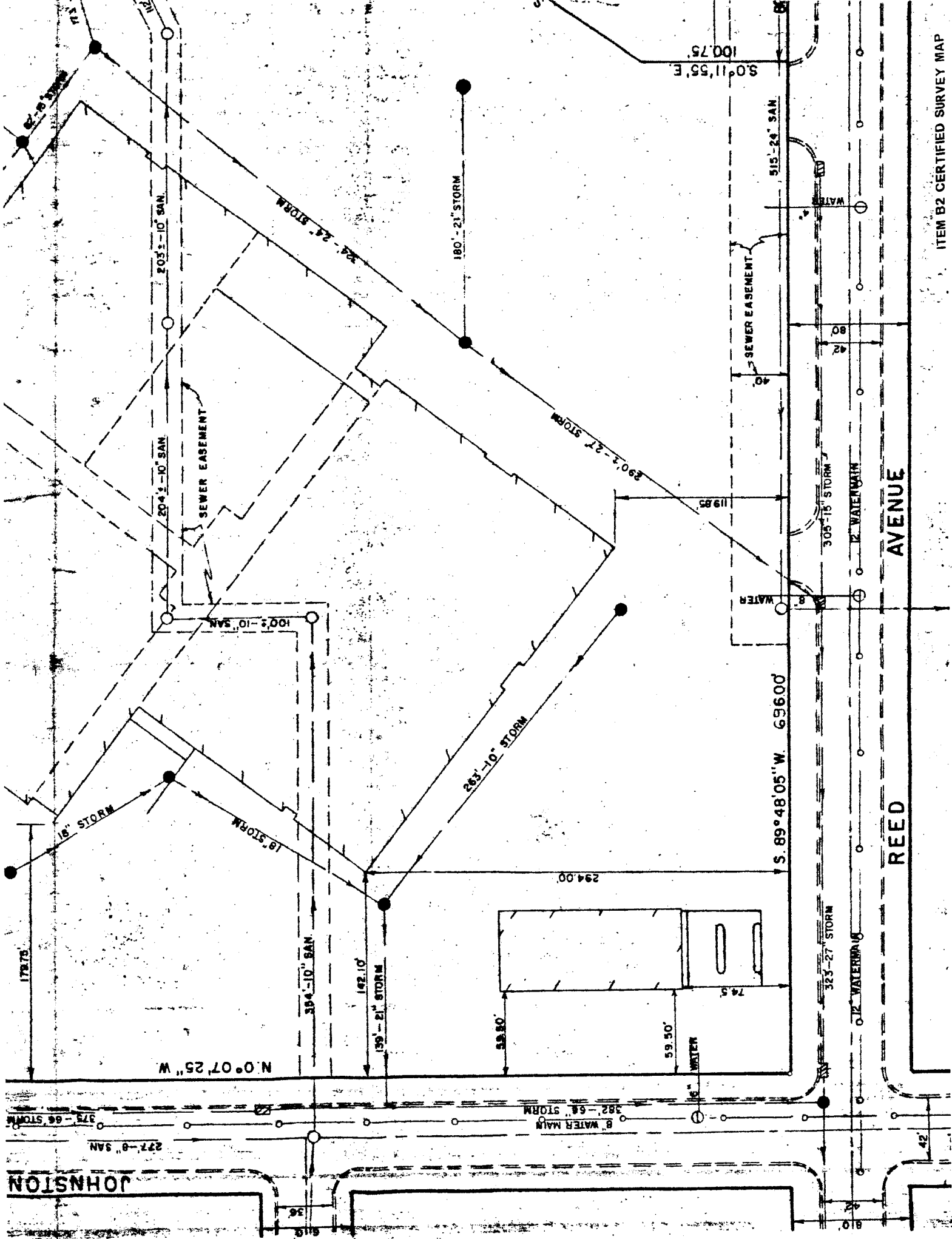
SANITARY SEWER & MANHOLE
 STORM SEWER & MANHOLE
 WATERMAIN & MANHOLE

**MID CITIES MALL PLAZA**

BREY, STUEWE & BRAUN INC.
 CONSULTING ENGINEERS & SURVEYORS
 709 WASHINGTON ST.
 MANITOWOC, WISC.

DATE	DRAWN BY	SCALE	JOB NO.	SHEET NO.
3/10/79 REVISED 7/27/81 10/15/82-PARCEL 1	G. H.	1" = 60'	L- 8715 L- 965 T- 9980	1 OF 1

ITEM B2 CERTIFIED SURVEY MAP



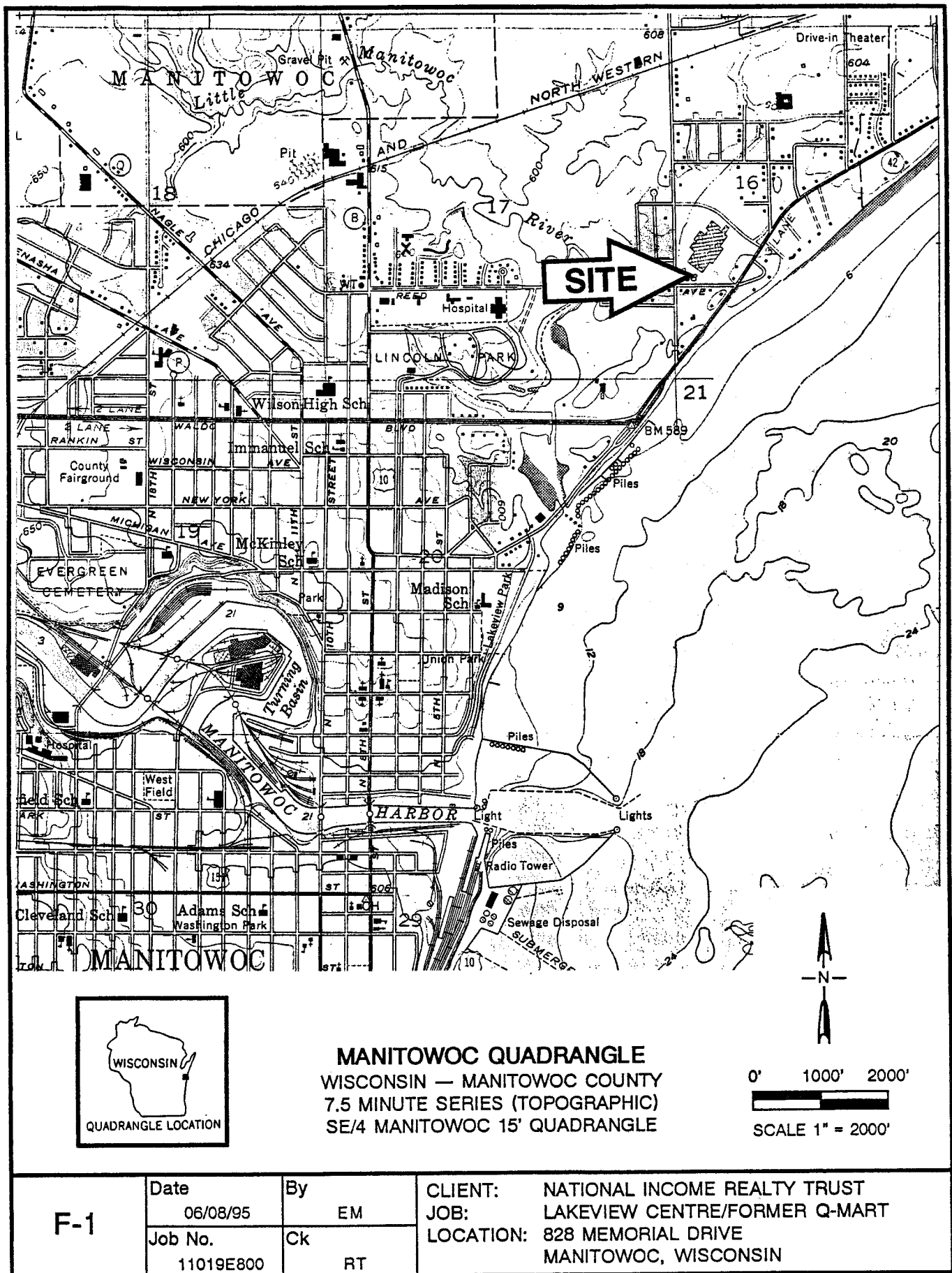
Site Information:

Tax Parcel Identification Number: 520-031-070

Address: 828 Memorial Drive
Manitowoc, Wisconsin 54220

Geographic Position: WTM Coordinates obtained from
WDNR Website: 708911, 407276

- Right-of-Way of Johnston Drive
- Right-of-Way of Reed Avenue



MILLER
 ENGINEERS
 SCIENTISTS

FIGURE 1. SITE LOCATION MAP

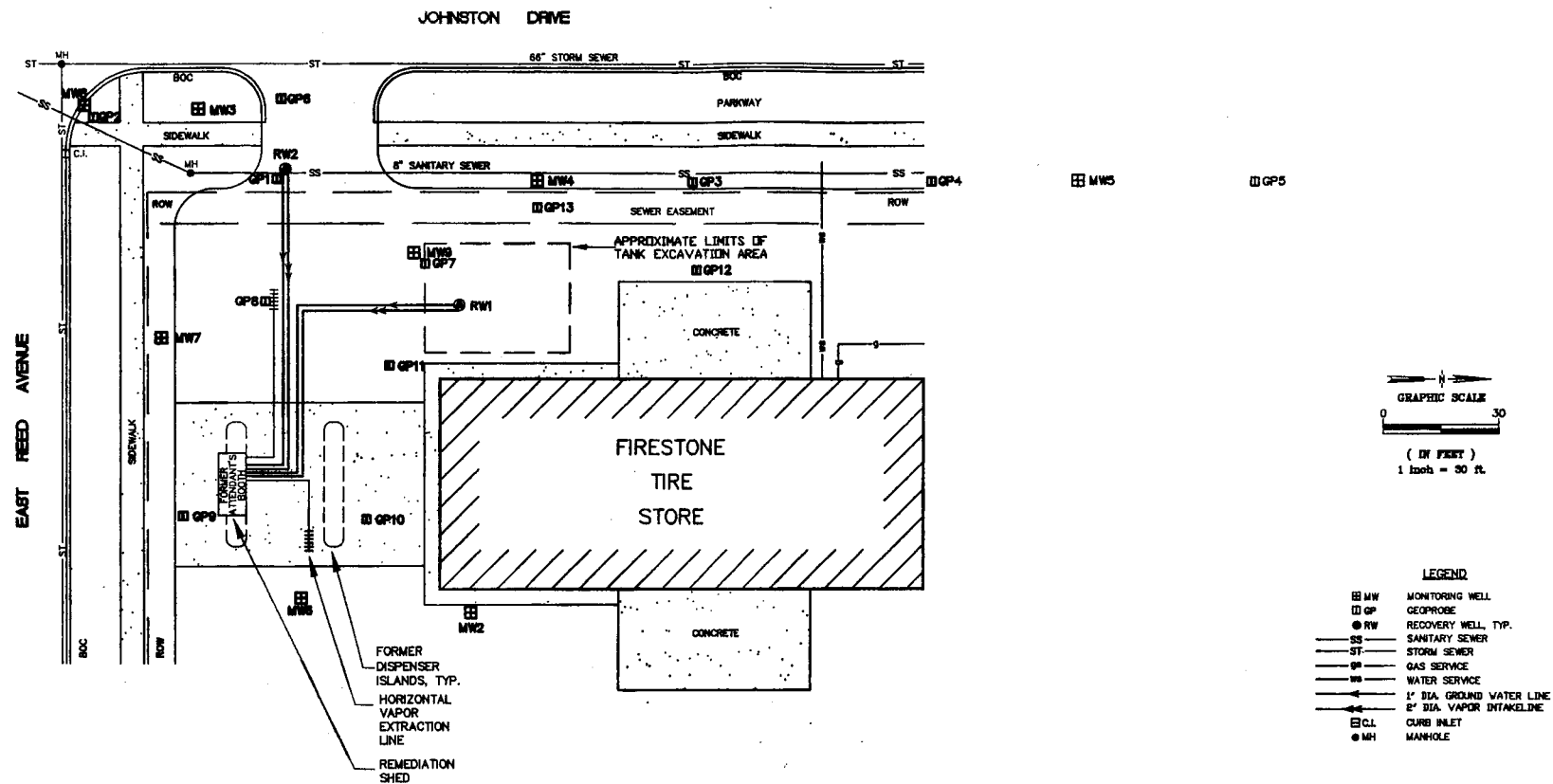


FIGURE 2 - SITE PLAN

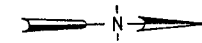
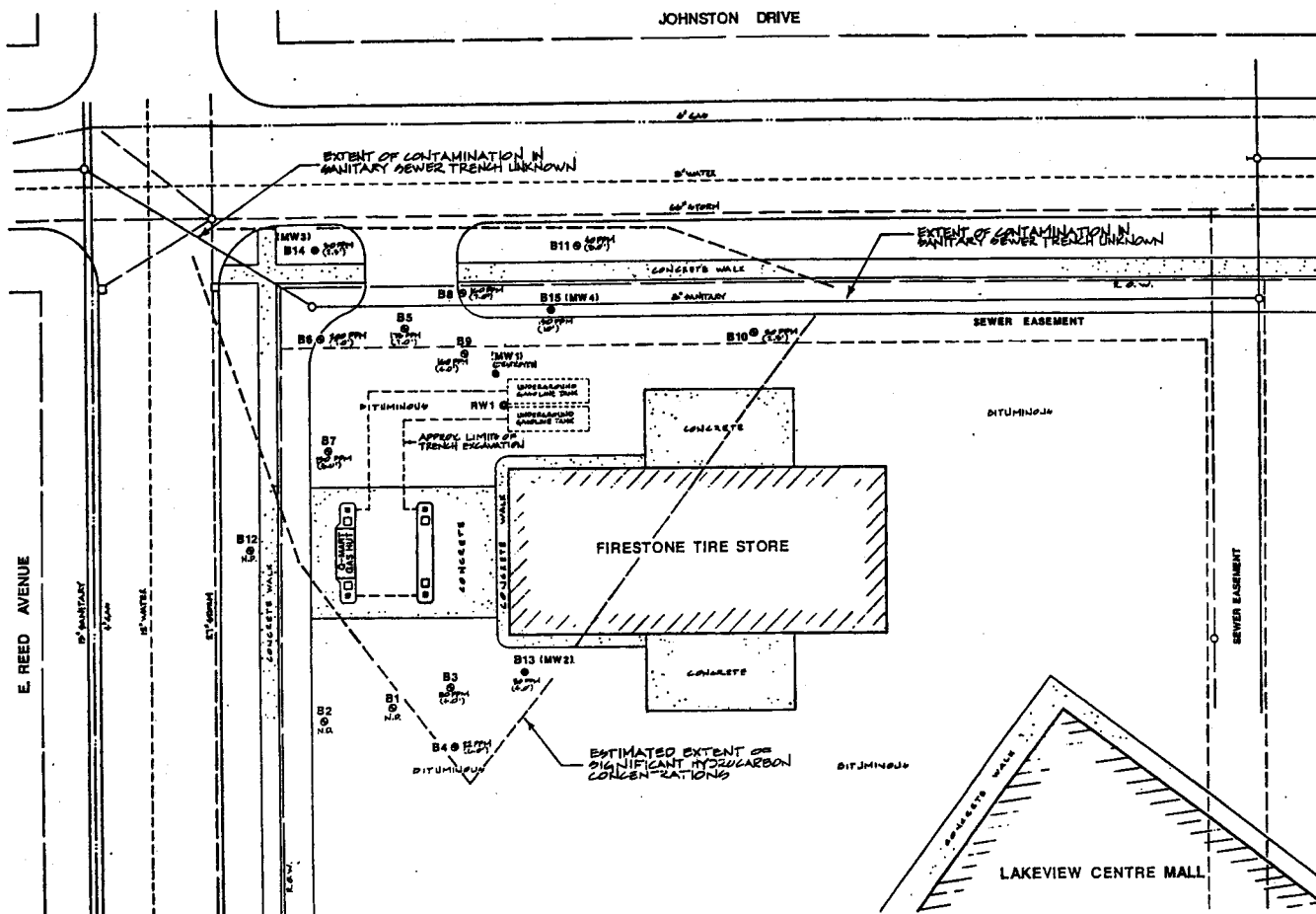
MILLER
ENGINEERS
SCIENTISTS

5308 South Twelfth Street
Sheboygan, Wisconsin 53081
414-458-6164

**NATIONAL INCOME REALTY
LAKEVIEW CENTRE MALL
MANITOWOC, WISCONSIN**

SCALE	DATE	BY	SHEET
NOR. 1"=30'	2-2-88	SAB	
VER.	JOB	CK	
	11019E8L	PGP	F-2 OF

ITEM B4 FIGURE 2 SITE PLAN



Scale 1"=40'

LEGEND

- SOIL BORING LOCATION
- 2" DIAMETER PVC GROUNDWATER MONITORING WELL
- 10" DIAMETER PVC GROUNDWATER RECOVERY WELL
- 150 PPM-H₂ HYDROCARBON VAPOR CONCENTRATION (PARTS PER MILLION-AS BENZENE HEADSPACE ANALYSIS)
- (7.0')-DEPTH OF VAPOR CONCENTRATION READING
- N.R.-COMBUSTIBLE VAPOR-NOT DETECTED

B10
B SOIL SAMPLE LOCATION PREREMEDIAL

FIGURE 3 - SOIL BORING LOCATION PLAN

MILLER ENGINEERS		2000 South Fourth Street Sheboygan, Wisconsin 53081 414-465-0100	
SOUTHMARK COMMERCIAL MANAGEMENT FORMER Q-MART GASOLINE STATION GOLDENRIDGE GASOLINE LEAK MANITOWISH, WISCONSIN			
SCALE	DATE	BY	SHEET
NOR	11-7-88	QAD	1

TABLE 2
Historic Ground Water Analytic Test Results

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

MW2								
<u>Date</u>	<u>Benzene</u>	<u>Ethyl- benzene</u>	<u>Toluene</u>	<u>Total Xylenes</u>	<u>Total TMB</u>	<u>MTBE</u>	<u>BETX</u>	<u>PVOC</u>
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
11-Nov-88	ND	NOT TABULATED				•	ND	•
28-Nov-88	ND					•	ND	•
14-Dec-88	ND					•	ND	•
13-Jan-89	ND					•	ND	•
13-Nov-89	ND					•	ND	•
10-Jul-90	ND					•	ND	•
21-Sep-90	1.8					•	6.8	•
20-Nov-90	ND					•	ND	•
18-Jan-91	ND					•	ND	•
15-Mar-91	ND					•	ND	•
23-May-91	ND					ND	ND	ND
25-Jul-91	ND					ND	ND	ND
26-Sep-91	ND					ND	ND	ND
21-Dec-91	ND					ND	ND	ND
19-Mar-92	ND					ND	ND	ND
12-Jun-92	ND					ND	ND	ND
10-Sep-92	ND					9.8	ND	9.8
08-Dec-92	ND					ND	ND	ND
12-Mar-93	ND					ND	ND	ND
18-Jun-93	ND					ND	ND	ND
09-Sep-93	ND					ND	ND	ND
03-Dec-93	ND					ND	ND	ND
15-Aug-94	ND					ND	ND	ND
09-Nov-94	ND					ND	ND	ND
01-Feb-95	ND					ND	ND	ND
09-May-95	ND					ND	ND	ND
18-Sep-95	ND					ND	ND	ND
07-Dec-95	ND					ND	ND	ND
14-Mar-96	ND					ND	ND	ND
14-Jun-96	•					•	•	•
21-May-97	ND					ND	ND	ND
06-Aug-97	ND					ND	0.054	0.054
03-Nov-97	ND					ND	ND	ND
12-Sep-00	•	•	•	•	•	•	•	•
15-Jan-01	•	•	•	•	•	•	•	•

BETX = Benzene, Ethylbenzene, Toluene and Xylenes

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

Bold Type = Detected above the NR 140 Enforcement Standard

Underline Type = Detected above the NR 140 Preventive Action Limit

ND = Not Detected Above Practical Quantitation Limit

• = Not Tested

\\data\proj\11019E\analytic.wb2\HistoricGWRes

TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Lakeview Centre/Former Q-Mart
 Manitowoc, Wisconsin
 Project #11019E

MW3								
Date	Benzene	Ethyl- benzene	Toluene	Total Xylenes	Total TMB	MTBE	BETX	PVOC
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
11-Nov-88	ND	NOT TABULATED				.	ND	.
28-Nov-88	ND					.	ND	.
14-Dec-88	ND					.	ND	.
13-Jan-89	ND					.	ND	.
13-Nov-89	ND					.	ND	.
10-Jul-90	ND					.	ND	.
21-Sep-90	ND					.	ND	.
20-Nov-90	ND					.	ND	.
18-Jan-91	ND					.	ND	.
15-Mar-91	ND					.	ND	.
23-May-91	ND					ND	ND	ND
25-Jul-91	ND					ND	ND	ND
26-Sep-91	ND					ND	ND	ND
21-Dec-91	ND					ND	ND	ND
19-Mar-92	ND					ND	ND	ND
12-Jun-92	ND					ND	ND	ND
10-Sep-92	ND					ND	ND	ND
08-Dec-92	ND					ND	ND	ND
12-Mar-93	ND					ND	ND	ND
18-Jun-93	ND					ND	ND	ND
09-Sep-93	ND					ND	ND	ND
03-Dec-93	ND					ND	ND	ND
15-Aug-94	ND					ND	ND	ND
09-Nov-94	ND					ND	ND	ND
01-Feb-95	ND					ND	ND	ND
09-May-95	ND					ND	ND	ND
18-Sep-95	ND					ND	1.3	1.3
07-Dec-95	ND					ND	ND	ND
14-Mar-96	ND					ND	ND	ND
14-Jun-96	.					.	.	.
21-May-97	ND					ND	ND	ND
06-Aug-97	ND					ND	ND	0.96
03-Nov-97	.	.	.	.	.	.	.	.
12-Sep-00	.	.	.	.	.	.	.	.
15-Jan-01	.	.	.	.	.	.	.	.

BETX = Benzene, Ethylbenzene, Toluene and Xylenes

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

Bold Type = Detected above the NR 140 Enforcement Standard

Underline Type = Detected above the NR 140 Preventive Action Limit

ND = Not Detected Above Practical Quantitation Limit

. = Not Tested

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TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

MW4								
Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
11-Nov-88	60,900	NOT TABULATED				.	235,660	NOT TABUL.
28-Nov-88	.					.	.	
14-Dec-88	31,857					.	157,952	
13-Jan-89	30,720					.	82,050	
13-Nov-89	11,000					.	62,700	
10-Jul-90	3,294					.	28,789	
21-Sep-90	560					.	10,906	
20-Nov-90	ND					.	ND	
18-Jan-91	894					.	15,884	
15-Mar-91	1,480					.	28,520	
23-May-91	128					ND	2,667	3,620
25-Jul-91	50					ND	443	488
26-Sep-91	ND					ND	364	794
21-Dec-91	39					ND	244	479
19-Mar-92	27					ND	295	416
12-Jun-92	ND					ND	ND	ND
10-Sep-92	226					248	1,784	2,786
08-Dec-92	200					140	1,900	2,930
12-Mar-93	210					190	3,090	4,640
18-Jun-93	360					100	2,190	2,990
09-Sep-93	290					77	3,080	4,397
03-Dec-93	250					110	2,220	3,260
15-Aug-94	180					210	2,150	3,520
09-Nov-94	.					.	.	.
01-Feb-95	58					99	305	562
09-May-95	70					67	1,610	2,217
18-Sep-95	8.1					4.6	84.1	150
07-Dec-95	6					5.8	308	510.8
14-Mar-96	68					140	2,198	3,128
14-Jun-96	24.3					149	186.2	446.1
21-May-97	.					.	.	.
06-Aug-97	.					.	.	.
03-Nov-97	56					ND	374	409.9
12-Sep-00	66	78	6.5†	420	<u>121</u>	<u>17</u>	570.5	708.5
15-Jan-01	240	4.4	5.1	35	13	320	284.5	617.5
26-Mar-03	200	22	9.2	40	24	120	271.2	415.2

BETX = Benzene, Ethylbenzene, Toluene and Xylenes

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

Bold Type = Detected above the NR 140 Enforcement Standard

Underline Type = Detected above the NR 140 Preventive Action Limit

ND = Not Detected Above Practical Quantitation Limit

. = Not Tested

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TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

MW5

Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
21-May-97	5.9	< 4.0	6.9†	30	272	< 6.5	272.8	554.8
06-Aug-97	70	110	12	< 5.0	< 3.1	24	192	216
03-Nov-97	56	210	34	74	35.9	< 2.4	374	409.9
12-Sep-00	32	54	11†	92	61	< 4.7	189	250
15-Jan-01	Not sampled-buried under snow pile							

MW6

Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
21-May-97	< 0.14	< 0.14	< 0.13	< 0.44	< 0.32	< 0.26	ND	ND
06-Aug-97	3.6	1.1	0.98	1.3†	0.82†	< 0.26	6.98	7.8
03-Nov-97	.	.	.	.	.	.	.	.
12-Sep-00	< 0.39	< 0.4	< 0.37	< 1.4	< 1.03	< 0.47	ND	ND
15-Jan-01	0.48†	< 0.4	< 0.37	< 1.4	< 1.03	< 0.47	0.48	0.48

MW7

Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
21-May-97	< 0.14	< 0.14	< 0.13	< 0.44	< 0.32	< 0.26	ND	ND
06-Aug-97	< 0.23	< 0.26	< 0.22	< 0.93	0.66†	< 0.26	ND	0.66
03-Nov-97	< 0.36	< 0.26	< 0.25	< 76	< 0.50	< 0.24	ND	ND
12-Sep-00	< 0.39	< 0.4	< 0.37	< 1.4	< 1.03	< 0.47	ND	ND
15-Jan-01	< 0.39	< 0.4	< 0.37	< 1.4	< 1.03	< 0.47	ND	ND

MW8

Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
21-May-97	350	270	74	190	190	120	884	1194
06-Aug-97	320	120	19	< 23	33	120	459	612
03-Nov-97	310	80	17	35	22.2	150	442	614.2
12-Sep-00	490	23†	19†	73†	53	280	605	938
15-Jan-01	62	< 4	< 3.7	< 14	< 10.3	47	62	109

MW9

Date	Benzene (µg/L)	Ethyl- benzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	Total TMB (µg/L)	MTBE (µg/L)	BETX (µg/L)	PVOC (µg/L)
21-May-97	2,500	290	4,300	6,000	1,770	1,300	13,090	16,160
06-Aug-97	7,700	1,000	6,400	11,800	1,110	7,900	26,900	35,910
03-Nov-97	9,900	1,900	8,200	15,900	4,100	12,000	35,900	52,000
12-Sep-00	2,000	410	520	3,100	2,980	1,200	6,030	10,210
15-Jan-01	2,200	410	400	3,200	1,110	1,800	6,210	9,120

Note: Naphthalene was also tested in MW4, MW8 and MW9 during the January 2001 sampling event. MW9 had an exceedance with 290 µg/L. MW4 had a concentration of 1.4 µg/L and MW8 did not have a detectable concentration.

BETX = Benzene, Ethylbenzene, Toluene and Xylenes

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

Bold Type = Detected above the NR 140 Enforcement Standard

Underline Type = Detected above the NR 140 Preventive Action Limit

ND = Not Detected Above Practical Quantitation Limit

. = Not Tested

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TABLE 1
Soil Analytic Test Results (April 1997)

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

<u>Analyte (ug/kg)</u>	<u>GP1-4</u>	<u>GP1-7</u>	<u>GP2-6</u>	<u>GP3-3</u>	<u>GP4-4</u>	<u>NR720 Standards</u>
Benzene	5,000	67	130	310	2,700	5.5
Ethylbenzene	6,000	ND	140	260	6,000	2,900
MTBE	200	ND	ND	ND	160	-
Toluene	4,500	ND	<20>	37	ND	1,500
1,2,4-Trimethylbenzene	23,000	ND	80	2,500	21,000	-
1,3,5-Trimethylbenzene	8,100	ND	ND	390	7,100	-
Total Xylenes	28,000	ND	140	1,600	13,000	4,100
Naphthalene	—	—	—	—	—	-
TOTAL PVOC	74,800	67	490	5,097	49,960	-
GRO (mg/kg)	400	ND	ND	32	390	100
Sample Depth (ft.)	7-9	13-15	11-13	5-7	7-9	

<u>Analyte (ug/kg)</u>	<u>GP5-4</u>	<u>GP6-3</u>	<u>GP7-2D</u>	<u>GP7-7C</u>	<u>GP8-4</u>	<u>NR720 Standards</u>
Benzene	ND	ND	12,000	29	2,100	5.5
Ethylbenzene	ND	ND	11,000	45	2,800	2,900
MTBE	ND	ND	ND	ND	39	-
Toluene	ND	ND	38,000	<16>	8,800	1,500
1,2,4-Trimethylbenzene	ND	<19>	20,000	<23>	3,500	-
1,3,5-Trimethylbenzene	ND	ND	7,900	ND	1,200	-
Xylenes (m+p, o)	ND	ND	47,000	<39>	11,000	4,100
Naphthalene	—	—	4,300	—	—	-
TOTAL PVOC	ND	0	135,900	74	29,439	-
GRO (mg/kg)	ND	ND	560	ND	73	100
Sample Depth (ft.)	7-9	5-7	4-5	13.5-14	7-9	

Notes:

italics = Detected between LOD and LOQ

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

GRO = Gasoline Range Organics (WDNR Modified GRO Method)

ND = Not Detected at the Method Detection Limit

— = Compound Not Analyzed

A.11019E\soil.wb2(Organic)

TABLE 1 (continued)
Soil Analytic Test Results (April 1997)

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

<u>Analyte (ug/kg)</u>	<u>GP9-5</u>	<u>GP10-3A</u>	<u>GP11-2</u>	<u>GP12-4</u>	<u>GP13-5</u>	<u>NR720 Standards</u>
Benzene	ND	9,800	14,000	ND	470	6
Ethylbenzene	ND	23,000	80,000	ND	320	2,900
MTBE	ND	ND	<1700>	ND	78	-
Toluene	ND	59,000	32,000	ND	ND	1,500
1,2,4-Trimethylbenzene	ND	45,000	250,000	ND	85	-
1,3,5-Trimethylbenzene	ND	17,000	94,000	ND	500	-
Total Xylenes	ND	108,000	540,000	ND	82	4,100
Naphthalene	—	ND	—	—	—	-
TOTAL PVOC	ND	261,800	1,010,000	ND	1,535	-
GRO (mg/kg)	ND	1,400	3,300	ND	33	100
Sample Depth (ft.)	9-11	5-6	3-5	7-9	9-11	

<u>Analyte (ug/kg)</u>	Duplicate <u>GP13-5</u>	<u>MW5-2</u>	<u>MW5-4</u>	<u>MW6-2</u>	<u>MW7-2</u>	<u>NR720 Standards</u>
Benzene	ND	320	64	46	ND	6
Ethylbenzene	56	140	54	160	ND	2,900
MTBE	71	ND	ND	ND	ND	-
Toluene	110	<17>	ND	ND	ND	1,500
1,2,4-Trimethylbenzene	ND	2,100	40	390	ND	-
1,3,5-Trimethylbenzene	ND	750	ND	53	ND	-
Xylenes (m+p, o)	83	610	<41>	250	ND	4,100
Naphthalene	<85>	—	—	—	—	-
TOTAL PVOC	320	3,920	158	899	ND	-
GRO (mg/kg)	7.0	36	ND	ND	ND	100
Sample Depth (ft.)	9-11	5-7	10-12	5-7	5-7	

Notes:

< > = Detected between LOD and LOQ

PVOC = Petroleum Volatile Organic Compounds (EPA Method 8020)

GRO = Gasoline Range Organics (WDNR Modified GRO Method)

ND = Not Detected at the Method Detection Limit

— = Compound Not Analyzed

\\11019e\sore0497.wb2

MILLER
ENGINEERS
SCIENTISTS

B&B SOIL

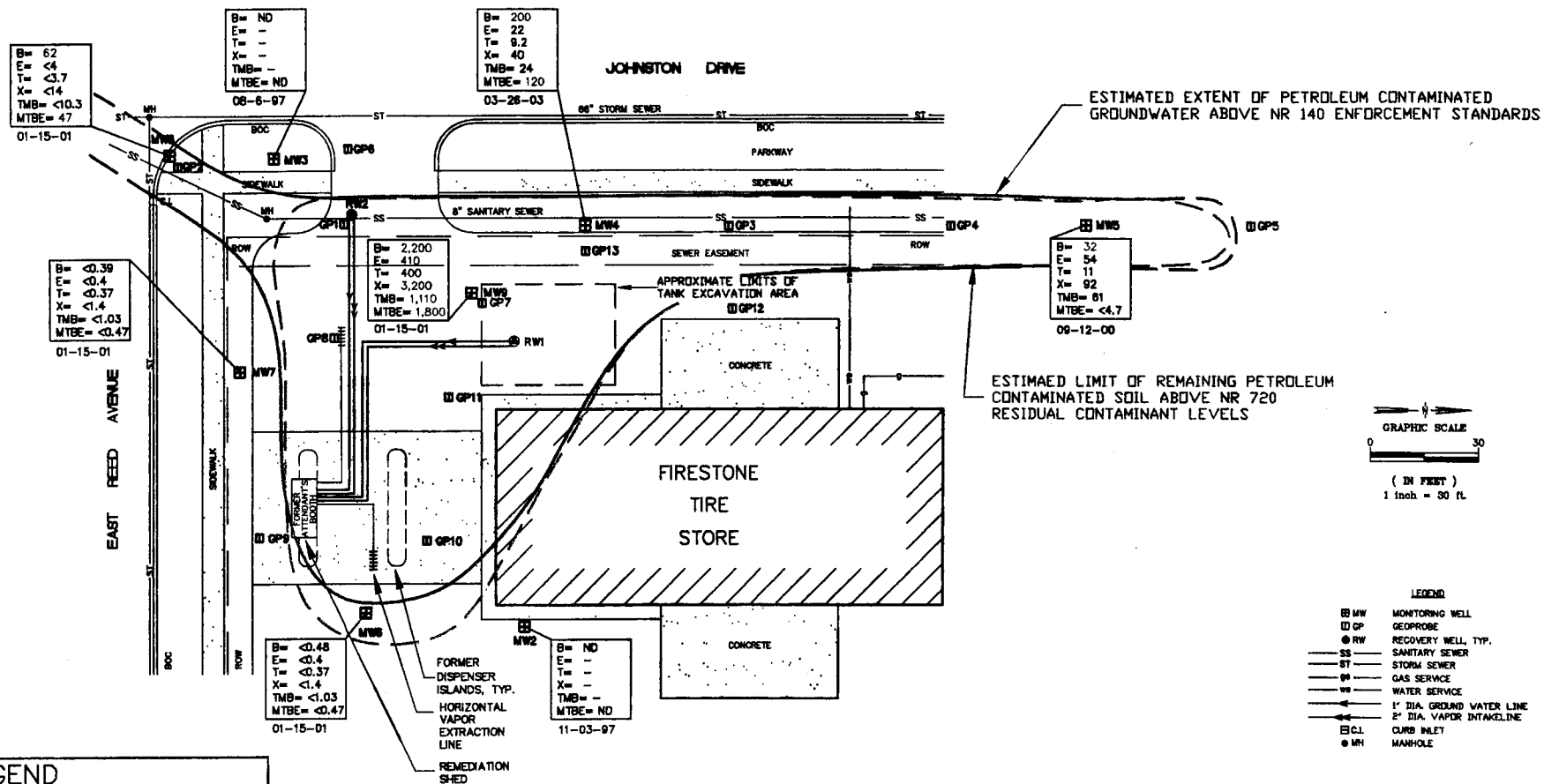
TABLE 1 SOIL ANALYTIC TEST RESULTS APRIL 1997

TABLE 2
Soil Nutrient Analytic Test Results (April 1997)

Lakeview Centre/Former Q-Mart
 Manitowoc, Wisconsin
 Project #11019E

<u>Analyte(mg/kg)</u>	<u>GP7-2C</u>	<u>GP10-3B</u>
Ammonia as N	<5.3>	<3.6>
Kjeldahl N	210	380
Organic N	210	370
Total Phosphorus	0.11	0.11
C:N	19.5	11.0
C:P	37,272	38,181
TOC (mg/kg)	4100	4200
Total Solids	87.4%	78.0%

A.11019elsore0497.wb2(Inorganic)



B7

FIGURE 3 - ESTIMATED EXTENT OF CONTAMINATION

**MILLER
 ENGINEERS
 SCIENTISTS**

5308 South Twelfth Street
 Sheboygan, Wisconsin 53081
 414-458-8184

NATIONAL INCOME REALTY
 LAKEVIEW CENTRE MALL
 MANITOWOC, WISCONSIN

SCALE HORIZ. 1"=30'	DATE 3-2-98	BY SAB	SHEET F-3
NO.	JOB 11019EBA	OK PGP	OF

TABLE 1
Historic Ground Water Elevations (U.S.G.S.)

Lakeview Centre/Former Q-Mart
Manitowoc, Wisconsin
Project #11019E

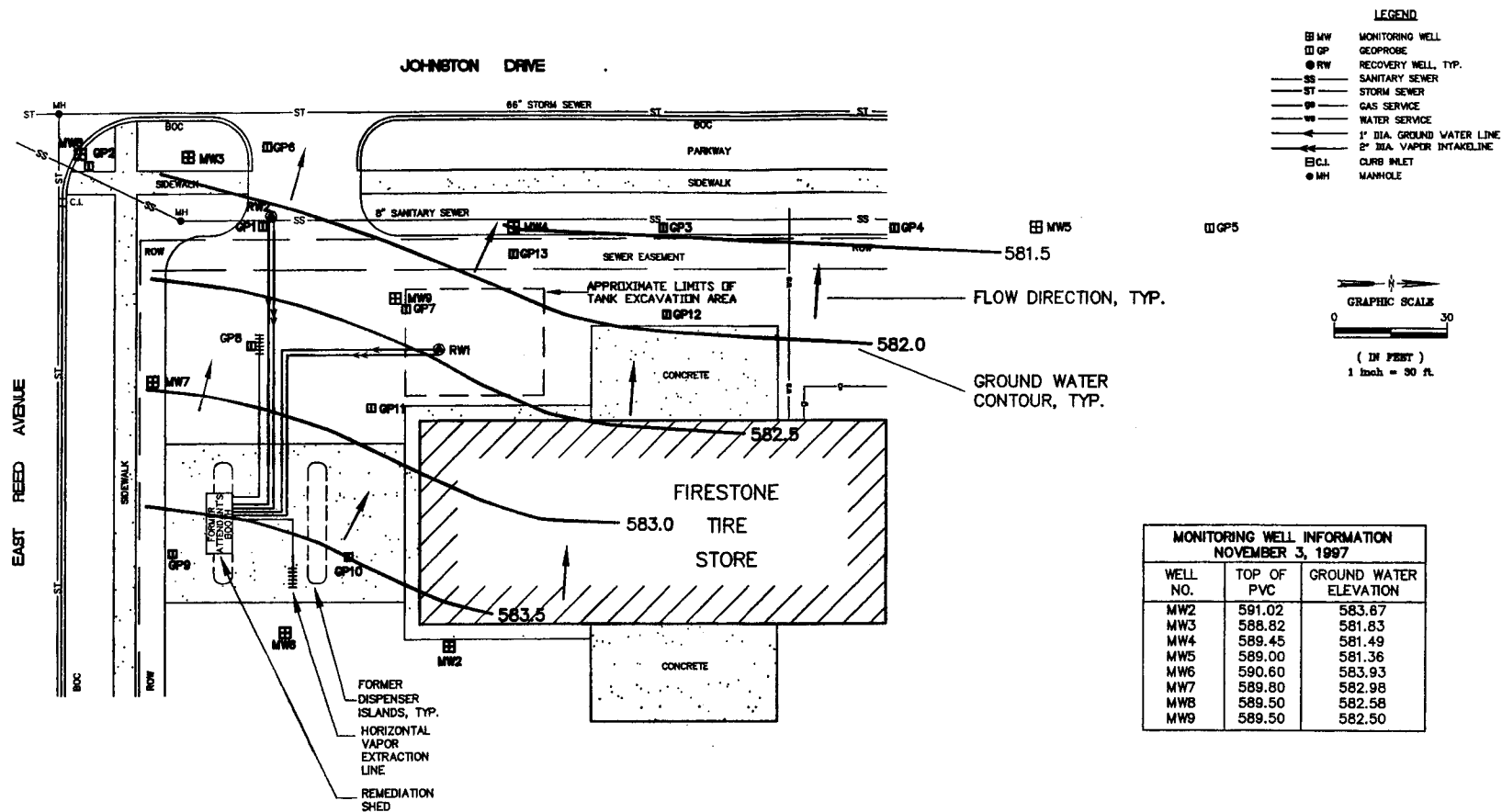
	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>MW7</u>	<u>MW8</u>	<u>MW9</u>
PVC Elevation	591.02	588.82	589.45	589.00	590.60	589.80	589.50	589.50
Screen Elevation	582.12	583.02	583.65	585.00	586.60	585.80	585.50	585.50

Date	MW2	MW3	MW4	MW5	MW6	MW7	MW8	MW9
11-Nov-88	583.33	582.25	580.05	Prior to Construction				
28-Nov-88	583.73	582.11	580.03					
14-Dec-88	582.78	581.80	579.48					
13-Jan-89	582.25	581.48	.					
09-Nov-89	582.31	581.76	579.78					
10-Jul-90	582.46	581.69	579.66					
21-Sep-90	582.81	582.02	580.40					
20-Nov-90	582.03	581.41	579.88					
18-Jan-91	582.14	581.28	579.89					
15-Mar-91	582.18	581.40	580.17					
23-May-91	582.25	581.38	579.81					
25-Jul-91	582.26	581.48	580.14					
26-Sep-91	582.27	581.38	579.63					
21-Dec-91	583.24	581.55	580.21					
12-Jun-92	582.49	581.46	580.09					
10-Sep-92	582.47	581.48	580.23					
08-Dec-92	583.33	581.54	580.24					
12-Mar-93	582.33	581.37	580.07					
18-Jun-93	583.43	582.24	580.64					
09-Sep-93	582.58	581.26	579.55					
03-Dec-93	582.40	581.45	580.17					
15-Aug-94	583.08	581.40	580.14					
09-Nov-94	581.88	581.05	579.83					
01-Feb-95	582.39	581.11	580.19					
09-May-95	583.46	581.38	580.30					
18-Sep-95	582.02	580.85	580.28					
07-Dec-95	583.22	581.34	580.46					
14-Mar-96	582.11	580.94	580.10					
14-Jun-96	584.54	582.14	581.09					
21-May-97	584.19	581.91	581.05	580.91	584.16	583.20	582.12	583.11
06-Aug-97	584.16	582.08	581.38	581.25	584.11	583.15	582.55	583.02
03-Nov-97	583.67	581.83	581.49	581.36	583.93	582.98	582.58	582.50
12-Sep-01	.	.	583.72	583.77	583.96	583.90	584.73	584.50
15-Jan-01	Not measured-equipment failure							
26-Mar-03	.	.	581.95

All units are feet above mean sea level unless otherwise noted.

Free product was indicated in MW4 during several sampling events in 1988 and again in January 1989.

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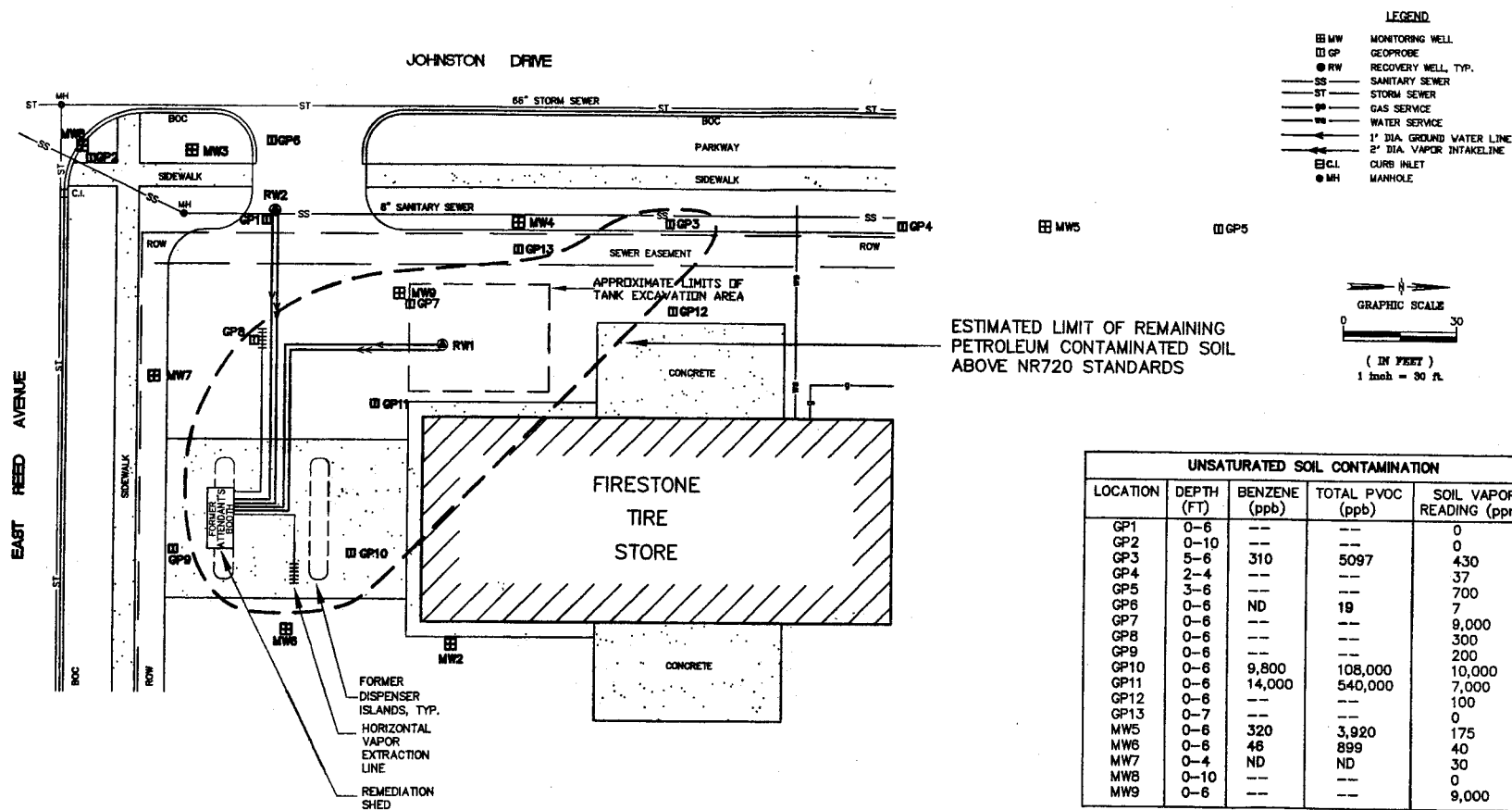


FIGURE 3 - ESTIMATED EXTENT OF REMAINING PETROLEUM CONTAMINATED SOIL (UNSATURATED)

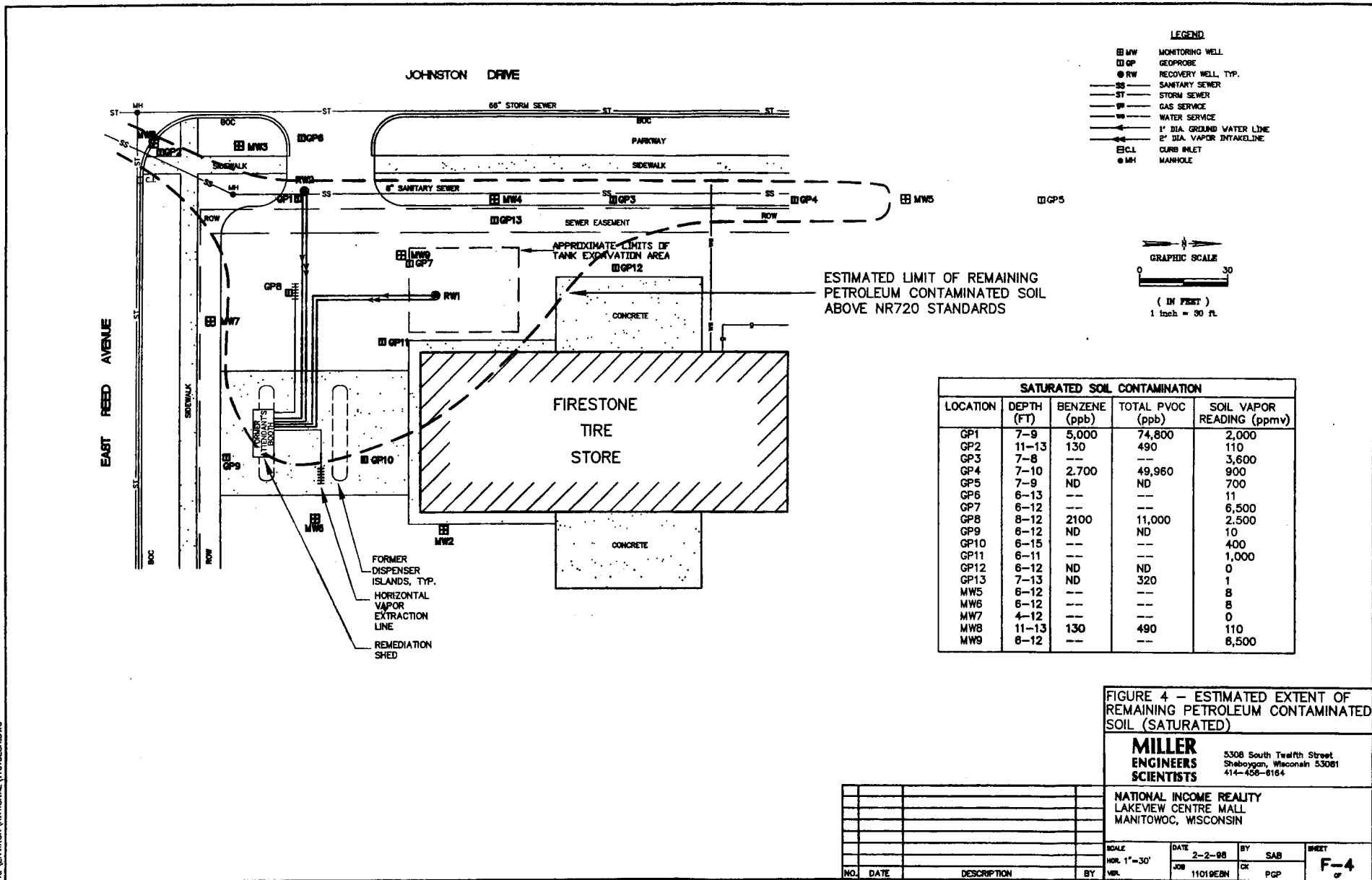
**MILLER
ENGINEERS
SCIENTISTS**

5306 South Twelfth Street
Sheboygan, Wisconsin 53081
414-458-8164

NATIONAL INCOME REALTY
LAKEVIEW CENTRE MALL
MANITOWOC, WISCONSIN

SCALE: HOR. 1" = 30' DATE: 2-2-98 BY: SAB SHEET: F-3
JOB: 11019ESM CK: P/B

B10 SOIL SAMPLE LOCATION POST REMEDIAL UNSATURATED



B10 SOIL SAMPLE LOCATION POST REMEDIAL SATURATED



TARRAGON REALTY INVESTORS, INC.

October 8, 2003

Subject: Legal Description of Contaminated Property
Lakeview Centre
Comm No.: 54220-2253-28
BRRTS No.: 03-36-000090

This is a statement made by the Responsible Party (RP), Tarragon Realty Investors, Inc. Item B12 for GIS registration, that the legal description for the property within or partially within the contaminated site boundary is attached to this statement.

- Contamination also extends into the right-of-ways of Johnston Drive and East Reed Avenue

Mr. Chris Clinton
Tarragon Realty Investors, Inc. (Responsible Party)

Signature: _____

Mr. Chris Clinton, SR V. P.

Date: _____

10/08/03

ITEM B12



TARRAGON REALTY INVESTORS, INC.

September 8, 2003

90-2-11019 \ 10-910

Mr. Bill Handlos
Director of Public-Works
1110 S. 9th Street
Manitowoc, Wisconsin

Subject: **Notification of Remaining Groundwater Contamination**
Lakeview Centre (Former Q-Mart Gasoline Station)
WDNR: 03-36-000090 COMM No.: 54220-2253-28

COPY

Dear Mr. Handlos:

Tarragon Realty Investors, Inc. has successfully remediated the petroleum contamination at the Lakeview Centre site at 828 Memorial Drive, Manitowoc, Wisconsin to meet criteria for project closure as outlined in Chapters NR 726 and NR 746, Wisconsin Administrative Code. In accordance with NR 726, Tarragon Realty Investors, Inc. is required to provide written notification of the presence of residual soil and/or groundwater contamination from the source property that remains within a public right-of-way to the clerk of the municipality where the right-of-way is located and to the municipal department or state agency that is responsible for maintaining the street.

As such, this letter provides notification that groundwater petroleum contamination remains in the right-of-way of Johnston Drive and East Reed Avenue. Benzene is the contaminant of greatest concern with concentrations of 62 ug/L in the January 2001 sampling round at MW8, located at the corner of Johnston Drive and East Reed Avenue, and 32 ug/L at MW5 located 260 feet to the north. Saturated soil contamination also remains in the right-of-way of Johnston Drive and East Reed Avenue. Unsaturated soil contamination remains along the sewer line in the right-of-way of Johnston Drive. The distribution of benzene contamination is shown on the attached map titled *Estimated Extent of Contamination (Figure 3)*. This notification will allow The Wisconsin Department of Commerce to proceed with closure of the Lakeview Centre site with the understanding that the City of Manitowoc is on notice of the remaining contamination in the right-of-way.

If you have any questions, please call Scott Hodgson at Miller Engineers & Scientists (920-954-9100).

Sincerely,

Tarragon Realty Investors, Inc.

Mr. Chris Clinton

Enclosure: **Figure 3 – Estimated Extent of Contamination**

c: **Mr. Scott Hodgson, Miller Engineers Scientists**

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B14 WRITTEN NOTIFICATION



TARRAGON REALTY INVESTORS, INC.

September 8, 2003

90-2-11019 \ 10-910

Ms. Jennifer Hudon
City Clerk
900 Quay Street
Manitowoc, Wisconsin

Subject: Notification of Remaining Groundwater Contamination
Lakeview Centre (Former Q-Mart Gasoline Station)
WDNR: 03-36-000090 COMM No.: 54220-2253-28

COPY

Dear Ms. Hudon:

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Sincerely,

Tarragon Realty Investors, Inc.

Mr. Chris Clinton

Enclosure: Figure 3 – Estimated Extent of Contamination

c: Mr. Scott Hodgson, Miller Engineers Scientists

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B14 WRITTEN NOTIFICATIONS